



**Australian Government**  

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**National Archives of Australia**

Records Authority

**Australian Competition and  
Consumer Commission**

Job no 2007/00493159

18 December 2007

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## **INTRODUCTION**

The Australian Competition and Consumer Commission (ACCC) and the National Archives of Australia have developed this Records Authority to set out the requirements for the retention or destruction of records for two functions of the ACCC. It represents a significant commitment on behalf of the ACCC to understand, create and manage the records of its activities.

This Authority uses a classification scheme based on an analysis of the business of the agency. It takes into account the ACCC's legal and organisational recordkeeping requirements, and the interests of stakeholders of both the ACCC and the National Archives. It provides a framework that may be used as a guide when creating and managing records that document the function.

This Authority gives ACCC the permission, required under the Archives Act, for the disposal of records described. The Authority sets out those records that need to be retained as national archives and the minimum length of time that other classes of records need to be kept. Retention periods are based on an assessment of business needs, broader organisational accountability requirements and community expectations.

The ACCC can use the following tools to dispose of their records:

- agency specific Records Authorities covering ACCC's agency specific records;
- general disposal authorities, such as the Administrative Functions Disposal Authority (AFDA); and
- normal administrative practice (NAP) which allows for the destruction of records where the records are duplicated, unimportant or for short-term use only.

As changes in circumstances may affect future recordkeeping requirements, the periodic review of this Authority is recommended. All amendments must be approved by the National Archives.

## **APPLICATION OF THIS AUTHORITY**

1. This Authority should be used in conjunction with Records Disposal Authority 2003/349230 issued to the Australian Competition and Consumer Commission on 31 October 2003.
2. Classes 18683 and 18684 in this Authority supersede classes 6084 and 6085 in RDA 2003/349230, which should not be used to sentence records.
2. This Authority should be used in conjunction with the Administrative Functions Disposal Authority (AFDA) issued by the National Archives to cover administrative records common to most Commonwealth agencies.
3. This Authority should be used in conjunction with general disposal authorities issued by the National Archives that cover other types of records that may be created by the ACCC such as encrypted records and source records that have been copied.
4. This Authority is to be used to sentence records. Sentencing involves the examination of records in order to identify the individual disposal class to which they belong. This process enables sentencers to determine the appropriate disposal action for the records. Advice on sentencing is available from the National Archives.
5. Where the method of recording the information changes (for example from a manual system to an electronic system, or when information is migrated from one system to a new system) this Authority can still be used to sentence the records created, providing the records document the same function and activity. The information must be accessible for the period of time prescribed in this Authority. The ACCC will need to ensure that any software, hardware or documentation required to enable continuing access to the data is available for the periods prescribed.
6. In general, retention requirements indicate a minimum period for retention. The ACCC may extend minimum retention periods if it considers that there is an administrative need to do so. Where the ACCC believes that its accountability will be substantially compromised because a retention period or periods are not adequate, it should contact the National Archives for review of the retention period.
7. The ACCC may destroy certain records without the formal authorisation as a normal administrative practice. This usually occurs where the records are duplicated, unimportant or for short-term use only. It does not replace the records disposal arrangements agreed to in authorities. Advice and guidance on destroying records as a normal administrative practice is available from the National Archives' website at [www.naa.gov.au](http://www.naa.gov.au)
8. From time to time the National Archives places 'freezes' on the disposal of some groups of records, which places a moratorium on the destruction of these records. If you require further information about disposal freezes and whether they affect the application of this Authority, please contact the National Archives.
9. Records in the care of the ACCC must be appropriately stored and preserved. The ACCC must meet this obligation to ensure that the records remain authentic and accessible over time. Under section 31 of the Archives Act 1983, access arrangements are required for records that become available to the public after thirty years.
10. Appropriate arrangements should be made with the National Archives when records are to be transferred into custody. The National Archives accepts for transfer only those records designated as national archives.
11. Advice on how to use this Authority is available from the ACCC's records manager. If there are

problems with the application of the authority that cannot be resolved, please contact the National Archives.

## **CONTACT INFORMATION**

For assistance with this authority or for advice on other recordkeeping matters, please contact National Archives' Agency Service Centre.

Queen Victoria Terrace  
Parkes ACT 2600  
PO Box 7425  
Canberra Mail Centre ACT 2610

Tel: (02) 6212 3610  
Fax: (02) 6212 3989  
Email: [recordkeeping@naa.gov.au](mailto:recordkeeping@naa.gov.au)  
Website: [www.naa.gov.au](http://www.naa.gov.au)

# AUTHORISATION

## RECORDS DISPOSAL AUTHORITY

**Person to whom notice of authorisation is given:**

The Chairman,  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

**Purpose:**

AUTHORISES ARRANGEMENTS FOR THE DISPOSAL OF RECORDS IN ACCORDANCE WITH SECTION 24(2)(b) OF THE ARCHIVES ACT 1983

**Application:**

Specific records relating to the ACCESS REGULATION and COMPETITION AND CONSUMER PROTECTION functions.

This authorisation applies to only the disposal of the records described on the authority in accordance with the disposal action specified on the authority. The authority will apply only if disposal takes place with the consent of the agency that is responsible at the time of disposal for the functions documented in the records concerned.

**Authorising Officer**

**Date of issue:**



18 December 2007.

Ross Gibbs  
Director-General  
National Archives of Australia



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## ACCESS REGULATION

The function of ensuring that businesses have access to the services of essential infrastructure facilities (these include gas pipelines, electricity transmission wires, rail tracks and some airport facilities). Includes developing access codes and responding to appeals lodged to a higher authority. Also includes participation in various consultative groups, advising on access principles, seeking of public submissions, assessing and accepting undertakings and making determinations.

### Declared Services

The activity of asserting by written instrument, that a specified eligible service is a declared service under the provisions of the trade practices legislation. Includes declaring services in relation to telecommunications and airports.

*For consultation with stakeholders, use ACCESS REGULATION – Consultation.*

Entry	Description of records	Disposal action
18255	Register of agreements for access to declared services. Includes: <ul style="list-style-type: none"> <li>• names of parties to the agreement</li> <li>• the declared service to which it relates</li> <li>• the date of the agreement.</li> </ul>	Retain as national archives
18256	Working papers relating to the processing of agreements for access to declared services. Includes applications for removal of agreements from the register.	Destroy 15 years after action completed

### Exemption Orders

The activities involved in processing applications for orders exempting specified conduct from action for being in breach of trade practices legislation in respect of the telecommunications industry. Includes the making of exemption orders, decisions refusing exemption orders, and revocations of orders.

Entry	Description of records	Disposal action
18257	Register of applications for exemption orders. Includes: <ul style="list-style-type: none"> <li>• applications and related documents</li> <li>• written submissions and related documents</li> <li>• records of conferences</li> <li>• exemption orders and statements of reasons.</li> </ul>	Retain as national archives
18259	Working papers relating to the processing of applications for exemption orders which generate litigation, legislative or regulatory amendment or significant public controversy or interest.	Retain as national archives
18282	Working papers relating to the processing of applications for exemption orders which do not generate litigation, legislative or regulatory amendment or significant public controversy or interest.	Destroy 15 years after action completed

## ACCESS REGULATION

The function of ensuring that businesses have access to the services of essential infrastructure facilities (these include gas pipelines, electricity transmission wires, rail tracks and some airport facilities). Includes developing access codes and responding to appeals lodged to a higher authority. Also includes participation in various consultative groups, advising on access principles, seeking of public submissions, assessing and accepting undertakings and making determinations.

### Pricing Determinations

The activities involved in processing determinations setting out principles dealing with price-related terms and conditions relating to standard access obligations.

<b>Entry</b>	<b>Description of records</b>	<b>Disposal action</b>
18260	Register of ministerial pricing determinations.	Retain as national archives
18262	Public register files. Includes recommendations to Minister and formal notification of determinations.	Retain as national archives
18328	Working papers relating to the processing of ministerial pricing determinations.	Destroy 15 years after action completed

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## COMPETITION AND CONSUMER PROTECTION

The function of protecting consumers (household and business) from anti-competitive and unfair market practice, by ensuring industry compliance with trade practices legislation and associated state/territories legislation. Includes management of mergers, acquisitions, authorisations and notifications, monitoring product safety, prices (including price exploitation relating to tax initiatives), and false, misleading or deceptive conduct (including misleading advertising).

For legal action concerning potential breaches of legislation, use INVESTIGATION AND LEGAL ENFORCEMENT.

### Applications for Authorisations

The activities involved in processing applications for authorisations that provide immunity from action for being in breach of trade practices legislation. Includes the making of determinations for authorisations, revocations and substitutions. Also includes processing of exemption orders in relation to anti-competitive conduct.

*For conferences relating to determining applications for authorisation, use COMPETITION AND CONSUMER PROTECTION - Conferencing.*

Entry	Description of records	Disposal action
18280	Material granted confidentiality and excluded from the Public Register.	Retain as national archives

### Applications for Merger Clearances

The activities involved in processing applications for formal merger clearances that provide immunity for being in breach of trade practices legislation. Includes the making of determinations on applications for formal merger clearances, minor variations of clearances and revocations and substitutions of new clearances.

*For public registers and related material published on the agency's website, use AFDA PUBLICATION.*

*For informal merger clearances, use COMPETITION AND CONSUMER PROTECTION - Mergers.*

*For undertakings given under section 87B of the Trade Practices Act, use COMPETITION AND CONSUMER PROTECTION - Undertakings.*

Entry	Description of records	Disposal action
18263	Register of applications for merger clearances, including minor variations, revocations and substitutions. Includes: <ul style="list-style-type: none"> <li>• applications and related documents</li> <li>• letters to interested parties inviting submissions</li> <li>• letters to applicants and interested parties</li> <li>• written submissions and related documents</li> <li>• records of oral submissions</li> <li>• records of conferences</li> <li>• statements of concerns</li> <li>• determinations and statements of reasons</li> <li>• undertakings relating to the making of determinations</li> <li>• notice to clearance holders advising of ACCC initiated revocations and substitutions.</li> </ul>	Retain as national archives
18264	Material granted confidentiality and excluded from the Public Register.	Retain as national archives

## COMPETITION AND CONSUMER PROTECTION

The function of protecting consumers (household and business) from anti-competitive and unfair market practice, by ensuring industry compliance with trade practices legislation and associated state/territories legislation. Includes management of mergers, acquisitions, authorisations and notifications, monitoring product safety, prices (including price exploitation relating to tax initiatives), and false, misleading or deceptive conduct (including misleading advertising).

For legal action concerning potential breaches of legislation, use INVESTIGATION AND LEGAL ENFORCEMENT.

### Applications for Merger Clearances - Continued

Entry	Description of records	Disposal action
18265	Working papers relating to the processing of applications for formal merger clearances which generate litigation, legislative or regulatory amendment or significant public controversy or interest.	Retain as national archives
18279	Working papers relating to the processing of applications for formal merger clearances which do not generate litigation, legislative or regulatory amendment or significant public controversy or interest.	Destroy 15 years after action completed

### Certification Trade Marks

The activities involved in processing applications for the approval of certification trade marks, and the processing of applications for their use under the provisions of trade mark legislation.

Entry	Description of records	Disposal action
18683	Records documenting the approval and registration of certification trade marks. Includes rules governing the use of certification trade marks, and amendments to the rules.	Destroy 20 years after last action
18684	Records documenting the assignment of certification trade marks.	Destroy 20 years after last action

### Mergers

The activities involved in handling merger matters, (including joint ventures) arising from agency monitoring of industry or by referrals to the agency. Includes the assessment of proposals to ensure that organisations comply with the trade practices legislation, policy and standards, and the issuing of authorisations.

*For formal merger clearances use COMPETITION AND CONSUMER PROTECTION - Applications for Merger Clearances.*

*For undertakings made as a result of merger investigations, use COMPETITION AND CONSUMER PROTECTION - Undertakings.*

Entry	Description of records	Disposal action
18266	Records documenting the agency's involvement in the consideration of applications for merger authorisations by the Tribunal which generate litigation, legislative or regulatory amendment or significant public controversy or interest. Includes: <ul style="list-style-type: none"> <li>• reports on statements of fact</li> <li>• submissions made by the agency</li> <li>• documents received by the agency from the Tribunal.</li> </ul>	Retain as national archives

## COMPETITION AND CONSUMER PROTECTION

The function of protecting consumers (household and business) from anti-competitive and unfair market practice, by ensuring industry compliance with trade practices legislation and associated state/territories legislation. Includes management of mergers, acquisitions, authorisations and notifications, monitoring product safety, prices (including price exploitation relating to tax initiatives), and false, misleading or deceptive conduct (including misleading advertising).

For legal action concerning potential breaches of legislation, use INVESTIGATION AND LEGAL ENFORCEMENT.

### Mergers - Continued

Entry	Description of records	Disposal action
18267	Records documenting the agency's involvement in the consideration of applications for merger authorisations by the Tribunal which do not generate litigation, legislative or regulatory amendment or significant public controversy or interest. Includes: <ul style="list-style-type: none"><li>• reports on statements of fact</li><li>• submissions made by the agency</li><li>• documents received by the agency from the Tribunal.</li></ul>	Destroy 15 years after action completed

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### Notifications

The activities involved in processing notifications that provide immunity from action for being in breach of trade practices legislation. Includes the making of decisions for notifications, revocations and substitutions.

Entry	Description of records	Disposal action
18281	Material granted confidentiality and excluded from the Public Register.	Retain as national archives

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